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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/941,325	08/28/2001	Joseph Roberts	19930-004000US	6224

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EXAMINER

GEYER, SCOTT B

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,325

Applicant(s)

ROBERTS, JOSEPH

Examiner

Scott B. Geyer

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 15, 17-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 15, 18-22, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) 17 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 03 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

7) ☐ Priorities

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s)

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other _____

DETAILED ACTION

1. Due to newly presented rejections below, the previous notice of allowable subject matter is withdrawn. Also, the previous rejections are withdrawn and the instant office action is NON-FINAL.

Drawings

2. The formal drawings submitted by the applicant on June 3, 2003 are acceptable.

Claim Rejections - 35 USC § 112

3. In light of applicant's explanation of "single continuous structure" on page 4 of the response filed June 3, 2003, the rejection of claim 22 under 35 USC 112 2nd paragraph is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15, 18-22, 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mears et al. (5,040,484).

5A. As to claim 15, Mears et al. teach a structural body having a plurality of stations (see figure 2), a recess within each platen P (see figure 2 and column 3, lines

es + 30) in accordance with the language of claim 15, lines 2-3, specifically each station being

Art Unit: 2829

adapted... (MEMS) die", line 4-5, specifically "shaped to secure... MEMS die" and line 6, specifically "adapted to retain... within the recess": the applicant should note that is merely intended use language and cannot be relied upon the define over Mears et al., since Mears et al. disclose all of the claimed structural elements.

5B. As to claim 18, Mears et al. teach access to an underside, specifically through holes 31 which have lifting prongs 30, as seen in figure 3 (see also column 4, 44-47).

5C. As to claim 19, Mears et al. teach the access as a hole 31 (see also column 4, 44-47).

5D. As to claim 20, Mears et al. teach the access as a hole (i.e. slot) 31 (see also column 4, 44-47).

5E. As to claim 21, Mears et al. teach a structural body which is circularly symmetric (see figure 2), and the plurality of stations (reference "P" in figure 2) are configured symmetrically around a central axis of the structural body.

5F. As to claim 22, Mears et al. teach the platen 102 (figure 10) as a single continuous structure.

5G. As to claim 25, Mears et al. teach a structural body having a plurality of stations (see figure 2), a recess within each platen P (see figure 2 and column 3, lines 20-21) and flexible retaining arms (see for example figure 12, f3 and also column 8, lines 45-58). As to the language of claim 25, lines 2-3, specifically "for

applicant should note that is merely intended use language and cannot be relied upon

Art Unit: 2829

the define over Mears et al., since Mears et al. disclose all of the claimed structural elements.

5H. As to claim 27, Mears et al. teach a structural body which is circularly symmetric (see figure 2), and the plurality of stations (reference "P" in figure 2) are configured symmetrically around a central axis of the structural body.

Allowable Subject Matter

6. Claims 17 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record and to the examiner's knowledge does not teach or render obvious, at least to the skilled artisan, the instant invention regarding:

In claim 17, wherein the flexible arm has a notch shaped for engagement with a tool for flexing the flexible retaining arm;

In claim 23, wherein the article is formed of a fluoropolymer resin.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott B. Geyer whose telephone number is (703) 306-5866. The examiner can normally be reached on weekdays, between 10:00am - 6:30pm. E-mail: scott.geyer@uspto.gov

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Application/Control Number: 09/941,325

Page 5

Art Unit: 2829

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SBG

SBG

August 25, 2003



EVAN PERT